

**PART 700—STANDARDS FOR THE
CONDUCT AND EVALUATION OF
ACTIVITIES CARRIED OUT BY THE
OFFICE OF EDUCATIONAL RE-
SEARCH AND IMPROVEMENT
(OERI)—EVALUATION OF APPLI-
CATIONS FOR GRANTS AND CO-
OPERATIVE AGREEMENTS AND
PROPOSALS FOR CONTRACTS**

Subpart A—General

Sec.

700.1 What is the purpose of these stand-
ards?

700.2 What activities must be governed by
these standards?

700.3 What additional activities may be gov-
erned by these standards?

700.4 What definitions apply?

700.5 What are the processes of open com-
petition?

Subpart B—Selection of Peer Reviewers

700.10 When is the peer review process used?

700.11 Who may serve as peer reviewers?

700.12 What constitutes a conflict of inter-
est for grants and cooperative agree-
ments?

700.13 What constitutes a conflict of inter-
est for contracts?

Subpart C—The Peer Review Process

700.20 How many peer reviewers will be
used?

700.21 How are applications for grants and
cooperative agreements evaluated?

700.22 How are proposals for contracts eval-
uated?

Subpart D—Evaluation Criteria

700.30 What evaluation criteria are used for
grants and cooperative agreements?

700.31 What additional evaluation criteria
shall be used for grants and cooperative
agreements?

700.32 What evaluation criteria shall be
used for contracts?

Subpart E—Selection for Award

700.40 How are grant and cooperative agree-
ment applications selected for award?

700.41 How are contract proposals selected
for award?

AUTHORITY: 20 U.S.C. 6011(i).

SOURCE: 60 FR 47810, Sept. 14, 1995, unless
otherwise noted.

Subpart A—General

**§ 700.1 What is the purpose of these
standards?**

(a) The standards in this part imple-
ment section 912(i) of the Educational
Research, Development, Dissemina-
tion, and Improvement Act of 1994.

(b) These standards are intended to
ensure that activities carried out by
the Office of Educational Research and
Improvement (the Office) meet the
highest standards of professional excel-
lence.

(Authority: 20 U.S.C. 6011(i)(1))

**§ 700.2 What activities must be gov-
erned by these standards?**

(a) The standards in this part are
binding on all activities carried out by
the Office using funds appropriated
under section 912(m) of the Educational
Research, Development, Dissemina-
tion, and Improvement Act of 1994.

(b) Activities carried out with funds
appropriated under section 912(m) of
the Act include activities carried out
by the following entities or programs:

(1) The National Research Institutes.

(2) The Office of Reform Assistance
and Dissemination.

(3) The Educational Resources Infor-
mation Center Clearinghouses.

(4) The Regional Educational Labora-
tories.

(5) The Teacher Research Dissemina-
tion Demonstration Program.

(6) The Goals 2000 Community Part-
nerships Program.

(7) The National Educational Re-
search Policy and Priorities Board.

(Authority: 20 U.S.C. 6011(i)(1))

**§ 700.3 What additional activities may
be governed by these standards?**

(a) The Secretary may elect to apply
the standards in this part to activities
carried out by the Department using
funds appropriated under an authority
other than section 912(m) of the Act.

(b)(1) If the Secretary elects to apply
these standards to a competition for
new grant or cooperative agreement
awards, the Secretary announces, in a
notice published in the FEDERAL REG-
ISTER, the extent to which these stand-
ards are applicable to the competition.

(2) If the Secretary elects to apply these standards to a solicitation for a contract award, the Secretary announces in the request for proposals the extent to which these standards are applicable to the solicitation.

(Authority: 20 U.S.C. 6011(i))

§ 700.4 What definitions apply?

(a) *Definitions in the Educational Research, Development, Dissemination, and Improvement Act of 1994.* The following terms used in this part are defined in 20 U.S.C. 6011(l):

Development
Dissemination
Educational Research
Office
National Research Institute
Technical Assistance

(b) *Definitions in Education Department General Administrative Regulations.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
Department
Grant
Project
Secretary

(c) *Definitions in the Federal Acquisition Regulation.* The following terms used in this part are defined in 48 CFR Chapter 1:

Contracting Officer
Employee of an Agency
Proposal
Solicitation

(d) *Other definitions.* The following definitions also apply to this part:

Act means the Educational Research, Development, Dissemination, and Improvement Act of 1994 (Title IX of Pub. L. 103-227, 108 Stat. 212).

EDAR means the Education Department Acquisition Regulation, 48 CFR Chapter 34.

EDGAR means the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85 and 86. *FAR* means the Federal Acquisition Regulation, 48 CFR Chapter 1.

(Authority: 20 U.S.C. 6011)

§ 700.5 What are the processes of open competition?

The Secretary uses a process of open competition in awarding or entering into all grants, cooperative agreements, and contracts governed by these standards. The processes of open competition are the following:

(a) For all new awards for grants and cooperative agreements, the Secretary will make awards pursuant to the provisions of EDGAR with the exception of the provisions in 34 CFR 75.100(c)(5), 75.200(b)(3), (b)(5), 75.210, and 75.217(b)(1), (b)(2), (c), and (d); and

(b) For contracts, the Department will conduct acquisitions pursuant to this part in accordance with the requirements of the Competition in Contracting Act, 41 U.S.C. 253, and the FAR.

(Authority: 20 U.S.C. 6011(i)(2); 41 U.S.C. 253)

Subpart B—Selection of Peer Reviewers

§ 700.10 When is the peer review process used?

The Secretary uses a peer review process—

(a) To review and evaluate all applications for grants and cooperative agreements and proposals for those contracts that exceed \$100,000;

(b) To review and designate exemplary and promising programs in accordance with section 941(d) of the Act; and

(c) To evaluate and assess the performance of all recipients of grants from and cooperative agreements and contracts with the Office.

(Authority: 20 U.S.C. 6011(i)(2)(B))

§ 700.11 Who may serve as peer reviewers?

(a) An individual may serve as a peer reviewer for purposes of reviewing and evaluating applications for new awards for grants and cooperative agreements and contract proposals if the individual—

(1) Possesses the following qualifications:

(i) Demonstrated expertise, including training and experience, in the subject area of the competition.